L.R 59-98

G. R. S. IX-5]

Previous references.

L.R 32-1895

1895-96

~~191~~ .

(L. R.)

102-95

File No. ~~88-95~~

Serial Nos. 1-7

Later references.

L.R 157-98

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

All ~~Part~~ B for Aug 1895

SUBJECT.

Appointment of Kaphe Gowda to the Revenue Pateli of Hurinkole in the Hirisur taluk

---

W D 1250—GPB—30,000 - 28-1-19

Indexed

Remarked

Out of time by 40 days if appeal time is calculated from the date of the Offg Dy Commissioner's endorsement 29.7.95. There is an unverified note below the endorsement that it was received by petitioners by post on 7.9.95. If the appeal time is calculated from this date, the appeal is in time

In Govt Proc 1913/23 dt 27.5.86 it was stated that petr's claim to the Pateli would be taken into Consideration on a vacancy occurring.

There has been no vacancy as Giriya whose appointment was confirmed in the said order is living and continues to hold the office. There was however a dispute between Giriya and Hissadar of his named Koppe Gowda the result of which was they submitted a Rajinama to hold the office by turns. The Deputy Commissioner suggested a division of the duties between them as also of Potagi and as agreed to by them Giriya was appointed police Patel and Koppe Gowda as Revenue Patel Petr urges that this was an occasion on which his claims under the orders of Govt should have been taken into Consideration.

Submitted for orders

P.T.O

Nick & Bz Councillors

17-12-95

Call them
for comment
with regard to
the Police allegation
that under the
terms of the
Court order the
Peter ought to have
been suspended.
The 2nd Police
to
who
were asked

18/12/95

Done

18/12/95

Drafted

18/12

(6)

No. 2002

Name of Petitioner, Basappa, son of Chinna Basappa brother of Shivarappa Basappa Represented by S.R. Naik

Village, Huvvinahalay

Taluk, Hiriyur

District, Chitaldroog

Date of Arzi, 6-12-95

Date of Receipt, 6-12-95

Date of Disposal,

No. of Enclosure, 7.

ABSTRACT.

This Office Endt No. 4217 of 4/6/86

Appealing against the Chitaldroog Deputy Comrs order appointing the 2nd Counter Petitioner Kappagau to the Revenue Patelki of the above village in preference to the Petrs.

11-12-95

References three fortnights

mll
17/12

Council case
Stamp sufficient
Out of time by 40 days if appeal-time is calculated from the date of the Off Dy Comrs endorsement 29.7.95
There is an unverified note below the endorsement that it was recd by Petrs by post only on 7.9.95. If the appeal-time be calculated from this date, the appeal is in time
In Govt Fin. No. 1913/23 dated 27.5-86 it was stated that the Petrs claim to the Patelki would be taken into consideration on a vacancy occurring.
There has been no vacancy as Giriya whose appointment was confirmed in the said order is living & continues to hold the office. There was however a dispute between Giriya & a Hireedar of his named Kappegowda the result of which was the subd a Rayarinama to hold the office by turns. The Dy Comrs suggested a division of the duties between them as also of the Potaji and as agreed to by them Giriya was appointed Police Patel & Kappegowda as Revenue Patel. Petr says that this was an occasion on which his claims under the order of Govt should have been taken into consideration

Bln 10/12/95

9/12

(6)

28/11/95

One Two Rs Stamps affixed.

The President and Councillors of the Government of His Highness the Maharani Regent of Mysore at Bangalore.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D OF 1895 2902R
DATE 6-12-95

Revenue Appeal No

Petitioners

(1) Basappa, son of Channa Basavay Gowda.

(2) Basappa, brother of Thyarappa both residing in Hiriyavinakolay village, Hiriyur Taluq, Chittaldroog District

Counter-Petitioners

(1) Giray Gowda son of Dasay Gowda Police Patail

(2) Kappay Gowda son of Ajjay Gowda Revenue Patail

Both residing in Hiriyavinakolay village Hiriyur Taluq, Chittaldroog District

The above-named petitioners most respectfully state as follows: viz:-

(1) That the 1st Petitioner and Thyarappa brother of the 2nd Petitioner and their ancestors, along with the ancestors of the 1st Counter Petitioner were joint holders of the Patailee of the Hiriyavinakolay village of Hiriyur Taluq in Chittaldroog District.

(2) That the Deputy Commissioner of the Chittaldroog District in 1880 appointed 1st Counter Petitioner Giray Gowda Patail, when the Petitioners objected to the

appointment

passed an order that his nominee had a better claim to the office.

(3) That Being deprived of this right in 1880, the Petitioners filed a Civil Suit in the Court of the Munsiff of Chittaldroog to establish their right to the Patelship and got a decree in Suit No 222 of 1883 against the 1st Counter Petitioner, their conclusive establishing their preferential right. - vide Exhibit-A.

(4) That after the decree your Petitioners sought to enforce it by applying to the Sub Division Officer of Chittaldroog Mr Namakal Rao, who, entertaining a doubt as to whether he could exercise his jurisdiction in this matter by his Order dated 8th July 1885, submitted the whole records for the authoritative orders of the Huzoor Dewan Saib - vide Exhibit B.

(5) That the Petitioners subsequently received an endorsement from the Huzoor Dewan Sahib's Office No 4217 Dy 4th June 1886, stating that an order has been issued to the Deputy Commissioner in this office proceedings No $\frac{1913}{23}$ Dy 27th May 1886 to consider Petitioners' claim when a vacancy occurred.

(6) That the Petitioners were anxiously waiting for a vacancy and it did occur inasmuch as by recent

Rules

Rules and regulations two Patails, one Revenue and one Police were appointed in the said Huvinaholay village.

(7) The Amildar, on the misrepresentation of the 1st Counter Petitioner recommended the appointment of one Kappay Gowda, 2nd Counter Petitioner as Revenue Patail, ignoring the prior right of the Petitioners as found by the Munsiff's Court decree and endorsement of the Huzoor Dewan's Office (Exhibits A and C) and this recommendation was sanctioned by the Deputy Commissioner (vide Exhibits H and J)

(8) That this Kappay Gowda, Petitioners submit, has no claim whatsoever to the Patailship, but that he has illegally obtained an agreement from the 1st Counter Petitioner acknowledging that he has a right to the Patailship (vide Exhibit D)

(9) That from the Munsiff's Court decree (Exhibit A) it will be observed that from the year 1872, Petitioners' ancestors were in office and the rules on the subject of appointing incumbents for hereditary offices lay down that only competent and direct descendants of the last Office-holders should be

(10) That Andanay Gowda, the ancestor of the Petitioners, and after him his son Rudra, who died issueless, have enjoyed the Patailship, and that until the line of Andanay Gowda is totally extinct, a stranger could not be appointed according to the rules of the Chief Commissioner of 22nd October 1872 published in the Mysore Gazette of 9th November 1872

(11) That your Petitioners are the nephews (brother's sons) of the said Andanay Gowda and as such are entitled to the Patailship as found by the Munsiff's Court decree and Sub Division Officer Mr. Ramakal Rao's order (vide Exhibits A and B)

(12) That the Petitioners are conversant with reading and writing and submit that either of them are entitled to be appointed to the office of Revenue Patail in preference to the 2nd Counter Petitioner, according to the terms of the order of the Huzoor Dewan's Office (vide Exhibit C)

13. That your Petitioners respectfully pray that one of them may be appointed as Revenue Patail,

Patail of the Huvinaholay village
Hiriyur Taluq in conformity
with the Huzoor Dewan's Office
order (Exhibit C).

For which act of kindness
and justice, your Petitioners, as
in duty bound, shall ever pray.

Dated Bangalore 4th December 1895

ವಕೀಲರು
ಅರ್ಜಿದಾರರು

S. R. Thasker
Barrister-at-Law
Counsel for the
Petitioners

Petitioners

Rev. Gr. 1201

MYSORE DEWAN'S OFFICE, 25/12/1

PETITION DEPARTMENT. (7)

OFFICIAL MEMORANDUM.

LR 102-95-2

The accompanying appeal Petition No. 2002 dated 4-12-95 received at the Dewan's Office from Basappa son of Chenne Basavegowda and Basappa brother of Thyarappa, Hoovinaholay, Hiriyur Taluk, appealing against the Chitaldrug Dy. Comrs order appointing Kappe Gowda as Revenue Patel of the above village is forwarded, together with its enclosures, to the Deputy Commissioner of the Chitaldrug districts, for report with regards to the petitioner's allegation that under the terms of the Govt order No 1913-25 dated 27-5-88 petitioner ought to have been preferred to the second Patel to a stranger who is said to have been now appointed.

2 The petition with its enclosures should be returned

By Order,

for Revenue Chief Secretary

BANGALORE,
23-12-1895
25

20/12

M.G.C.P.B.—19-2-95—1,000

LR 102-95-3

3

Gen. Serial No. 30.

(6)

REVENUE DEPARTMENT
Gl. No. 7541
Pet. No 639.
7 APR. 96
DEWAN'S OFFICE.

189

From The Deputy Commissioner
Chitaldroog District

To

The ~~Chief~~ Secretary to the Govt:
~~Dewan~~ of Mysore.
Revenue and Genl: Depts:

Dated 28th March 96

Despatched 2nd April 1896.

Received

Enclosures No. Two files with appeal petition &c. each separately

General No. 792
No. 501

In reply to

SUBJECT.

Submitting a report regarding the Patels of Hariharahalli Village in the Hiriyur Taluk.

Subject with reference to the Office note & the Rev. Commissioner's order endorsed RE 2002.

13/4

14/4/96

Post in the usual cases expected

17/4/96

17-4-96

Posted to 1st May 96.

18/4

References (to be entered only in the Dewan's Office.)

GOVERNMENT OF MYSORE

No. 192/501 Enc: Two files of records & appeal petn sent separately

Deputy Commissioner's Office
Chitaldroog District.
Dated 28th March 1896.
2d April 96.

To

The Secretary to the
Government of Mysore
Revenue and General Departments.

Sir, In reply to your office Memorandum Petn/1201 dated 23d December 1895, forwarding Appeal petition No. 2002 dated 4th December 1895 received from Basappah son of Verma Basavé Gowda and Basappa brother of Yyanappa of Hunina-hole village Hiriyur Taluk, appealing against the Chitaldroog Deputy Commissioner's order appointing one Kuppé Gowda as Revenue Patail of the above village; and calling for a report with regard to the petitioner's allegation that under the terms of Govt. Order No. 1913/23 dated 27th May 1886, one of them ought to have been

CR. 32-1885

been preferred to the second Patéli to a stranger who is said to have been now appointed, I have the honor to state as follows:—

2. The Patéli Registers of 1846-47 and 1864-65 contain two sets of Hakdars one Linigayat the ancestors of the present appellants and the other the Vakkaligars the ancestors of the Respondents. Thus each set of Hakdars was entitled only to half share in the Patéli Office. Government Reso: No. 1913/28 dated 27th May 1886 ; while recognizing Appellants right to half share of the Patéli Office declined to disturb Giria's appointment and directed that the appellants' claim to the office should be taken into consideration on a vacancy occurring.

3. Siddlowda and Kappajowda are the representatives of Vakkaligar Hakdars and these two on the 12th September 1894 came to an understanding that they should hold the Office by rotation and that both their names should be entered in the Patéli Register: the Amildar little suspecting that this agreement was only between two entitled to but a half share

in

in the Police Office and without ex-
tending his enquiries beyond
the members to the agreement, re-
-commended that the terms of the
agreement might given effect to.
The then Deputy Commissioner ordered
that instead of the Office being held
by the members to the agreement by
rotation, it would be better to
appoint one as Revenue Potail and
the other as Police Potail and asked
the Amildar to ascertain the views
of Civi Gowda and Kappi Gowda
on the subject; the Amildar reported
that Civi Gowda agreed to do the
duties of Police Potail and Kappi-
-Gowda those of Revenue Potail both
dividing the Potagi allowance
equally. The Deputy Commissioner
confirmed the appointment of
Civi Gowda as Police Patail and
of Kappi Gowda as Revenue
Patail.

Vide Deputy Commissioner's order No: 247 of 30.9.94.

Report No: 367 of 2-11-94.

Order No: 413 of 29.12.94.

4. When this definition of func-
-tions was made known to the
parties, Civi Gowda represented
that what he agreed to was that
he should as heretofore be the Revi:
Potail and Kappe Gowda the Police
Potail and not as ordered by
the Deputy Commissioner that he should
be the Police Potail and Kappe Gowda
the Revenue Potail. The Deputy
Commissioner ordered that the
arrangement

arrangements sanctioned were in accordance with the Kyfeats taken from them in the presence of the Amildar and could not therefore be altered.

5. In connection with this case, it is worthy of note that the records relating to the Anterior stage of the case ending with Government Proc: No. 1913/23 dated 27th May 1886 were filed in the records and were lost sight of altogether when proceedings were taken upon the agreement between Siri Gowda and Kappégowda.

6. The present appellants in July 1895 addressed a petition to this office representing that the Deputy Commissioner's Order directing that two Potails should be appointed for the village gave them a Claim for the Second Potéle by virtue of Government Proceedings No. 1913/23 dated 27th May 1886 and that Kappégowda appointed as Revenue Potail should be ousted as the Vakkaligar branch had already been represented by Siri Gowda and that the Lingayat Branch had long been without representation. I gave them an Endorsement to the effect that I could not interfere with the final orders passed by my predecessor.

Hence

GOVERNMENT OF MADURE

Hence this appeal.

4. Two files of vernacular papers together with the appeal petition and its enclosures are herewith submitted for orders of Government.

I have the honor to be
Sir,
Your most obedient servant
[illegible]
Offg: Deputy Commissioner
Vilakkudi Division

The Potgi of this village
is said to be 2½ Bs and a
half, and it is unaccompanied
by a Nandi Palke
and thereby introduces
complications incompatible
with the order of the 2 May
1886. The order of the 8th
Court abolishing Kabbegowda
as Nerpalke is cancelled.
and Srigowda will continue
as the sole Palke as heretofore.
2/5/56

Lr 102-9.5-4

Proceedings of the Govt of Mysore

Read:—

(1) Petition No 2002 dated 4th December 1895 presented by Basappa son of Channabasave Gonda and Basappa, brother of Iyanappa of Huvvinhole in the Hirisur Taluk, appealing against the order of the Offg Deputy Commr of Chitaldrug dated 29th July 95 declining to interfere with the appointment of the 2nd Counter Petitioner Kappe Gonda as Revenue Patel of Huvvinhole

(2) Letter No $\frac{792}{501}$ dated 28th March 96 from the Offg Deputy Commr Chitaldrug District, reporting on the above petition; and the records received therewith

Facts of the case.

The members of a Lingayat Family represented by the Petitioners, and the members of a Wakkaliga family represented

joint Hakdars of the Patele of Huvvinhole. In 1880, the 1st Counter Petitioner Giri Gonda, a descendant of the eldest branch of the Wakkaligar family was appointed as the sole Patel of the village. The 1st Petitioner and the 2nd Petitioners brother complained of this arrangement, but the Govt, in Proceedings No $\frac{1913}{23}$ dated the 27th May 1886, observed that there was no reason to disturb Giri Gonda's appointment and that Petitioners' claim would be taken into consideration on a vacancy occurring. In 1894 Giri Gonda and his cousin the 2nd Counter Petitioner applied for permission to do the duties of the office by rotation, whereupon, Giri Gonda was directed to do the Police duties and the 2nd Counter Petitioner Kappe Gonda the Revenue duties. The Petitioners in this appeal

Contend

contend that there was an occasion on which the claims of one of them should have been taken into consideration under the order ~~the order~~ of Govt.

Encs Two Vernr files.

Decision of Govt. No 10044. Rt 1985. 215-5-96. 19.

4

The Poligi of this village is said to be Rupees 22 and a half, and it is unnecessary to have a second Patel, and thereby to introduce complications incompatible with the Govt order of the 27th May 1886. The order of the Deputy Commr appointing Kappe Gonda as Revenue Patel is cancelled. Giri Gonda will continue as the sole Patel as heretofore.

Redraft
C 2 & 3

15-5-96
Secretary

To The Deputy Commr
Chitaldrug District
with records.

SV RR 15/5

ಸಂಬಂಧಪಟ್ಟವರಿಗೆ ತಿಳಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿದೆ.

ಈ ಸಂಬಂಧ ಪೊಲೀಸ್ ಇಲಾಖೆಯವರು ಸರಕಾರಿ ಜಾಗಗಳು ಮತ್ತು ಕೆರೆಗಳ ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಿ, ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವ ಕಟ್ಟಡಗಳನ್ನು ಕೆಡವಿ ಹಾಕಲು ಅಗತ್ಯ ಪೊಲೀಸ್ ಬಂದೋಬಸ್ತ್ ಒದಗಿಸಲು, ಕಟ್ಟಡ ನಿರ್ಮಾಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಬೆಲಗಾವಿ ಮತ್ತು ಹುಬ್ಬಳ್ಳಿ ಮಹಾನಗರ ಪಾಲಿಕೆಗಳ ಆಯುಕ್ತರುಗಳು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿದೆ.

ಆದೇಶವನ್ನು ಸಮರ್ಥಿಸಿಕೊಂಡು ದಿನಾಂಕ 18.9.1976 ರಂದು ಸಲ್ಲಿಸಿರುವ ಪ್ರತಿಕ್ರಿಯೆಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಈ ಕೆಳಕಂಡಂತೆ ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

By Order

Redraft

Secretary.

ಪ್ರತಿವಾದಿಗಳ ಪರ ವಕೀಲರು ಅರ್ಜಿದಾರರು ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮಾಡಿರುವ ಜಾಗವು ಸರಕಾರಿ ಜಾಗವಾಗಿದ್ದು ಅದನ್ನು ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವುದಾಗಿ ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

ದಿನಾಂಕ 8.10.1976 ರಂದು ಕಾಯ್ದಿರಿಸಲಾಯಿತು.

By Order

Secretary.

Sd/- 15/10

578 Rev: No 10046

wak

7/8/96

Refees are put up.

8/8

Application for review of an order passed by the 2nd and 3rd Councillors. No 10046 dated 5-8-96 Pet 1985

Stamped 2 Rupees

5

Stamp affixed in time. 1/8

Send necessary papers for review under Rule under-Endorsement and return 14/8/96

Drafted Raj

1895

No. 458

Name of Petitioner, Kappé Gowda Patail of

Village, Hurivinahole

Taluk, Hiriyur

District, Chittaldroog

Date of Arzi, 31. 7. 96

Date of Receipt, 1. 8. 96

Date of Disposal,

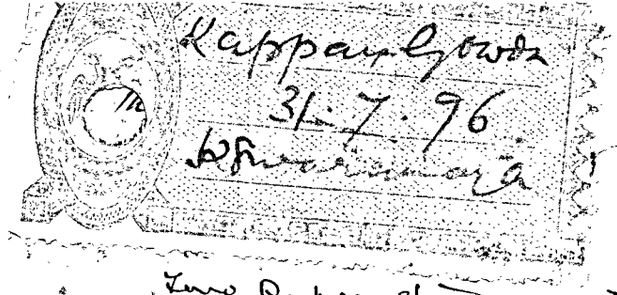
No. of Enclosure, 5

ABSTRACT.

Prays for a reconsideration of the order No 2002 of 15th May 96 — appointing Giri Gowda sole Patel of the village.

States that one Rudra's father & Petr's Patels' father were joint-Patels that after the death of Rudra's father Rudra gave up all his rights of the Patel to the Petr's father that Petr succeeded his father as sole Patel in 1879; that in 1880 the Dy Commr appointed one Giriya the Dy Commr appointed one Giriya to the office; that he without appealing against this appointment agreed with the said Giriya to share the Polgi; that on the Petr of the legal representatives of the said Rudra to the Govt the above said order was

passed whereby the Petrs were
deprived of the Rev: Patteli Price;
& that the Govt will be pleased
to see the Karar entered into
between the Petrs & the said Girija &
also the Sanad granted to
the Petrs appointing him to the
Price.
W.K.



Two Rupees Stamps affixed

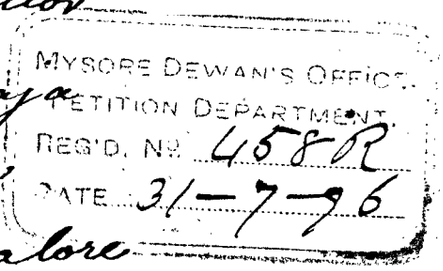
To,

The Revenue Councellor

to H.H. the Maharaja

of Mysore

Bangalore



(6)

Respected Sir,

The humble petition of Kappé-gowda, Potail of Huvinahole of the Hiriyur Taluk in the Chitaldroog District respect-fully Showeth :—

(1). That previous to the year 1878, one Rudra's father Andanaygowda and the petitioner's father Ajjegowda were the joint holders of the office of Potail of the said village.

(2). That on the 15th October 1878 subsequent to Andanaygowda's death, the said Andanay-gowda's Son Rudra deposed

- tion herewith produced and marked A) saying that as he was unable to look after the duties of the Potaili office, he had no objection to the petitioner's father alone looking after the said duties and released all his interests in the said office.

(3). That subsequently the petitioner's father requested the Revenue authorities that since he was unable on account of old age he cannot effectually perform the duties of the Patauli office of the said village his son (the petitioner) might be registered as Huckdar and asked to do the duties. Thereupon the Deputy Commissioner granted the petitioner a Sanad on the 8th May 1879 appointing him the sole Potail to the said village and ever since the petitioner is looking after the duties of the Potail.

(4). That in the year 1880, one Basappa and Thyaria petitioned to the

as they are the representatives of the said Rudra, they must be given the office. Their petitions were rejected and one Girija who had no manner of right to the office was asked to do the duties of the office.

(5). That on the petitioners trying to appeal against the said order, this Girija agreed with the petitioner that he would give the petitioner $\frac{1}{2}$ the amount of Potgi of the office and both to do the duties of the office. The petitioner and the said Girija are till now doing the duties dividing the Potgi between themselves.

(6). That again Basappa and another Thyarappa's brother Basappa petitioned the Govt that as they are the representatives of the said Rudra (who released all his interests in the Potaili office to the petitioners' father as stated in para 2 above) they should be appointed Potails of the said village

(7). That on this petition an order

(which is now appealed against and of which a copy is herewith produced and marked B) was issued by Govt to the effect that Girigowda alone is to look after the duties of the said Kuvinahole Potaili office.

(8). That this Girigowda or Girica as he is usually called has no right to the office. The petitioner alone is entitled to it. The petitioner father and other ancestors of his were looking after the duties as stated above and the petitioner is still holding the office as per Sannad granted to him by the Deputy Commissioner on the 8th May 1879 (Copy of which is herewith produced and marked C). The petitioner will if ordered produce official records evidencing his right to hold the office of Potail.

(9). That Girigowda who is now ordered to look after the duties was only allowed by the petitioner by means of a Karar entered into by the petitioner and Girica (copy herewith produced

and marked D) to look after certain duties of the office as Police Potail and the petitioner is doing the duties as revenue Potail as per orders of the Taluk Amildar (Copy herewith produced and marked E).

(b). That if the Government does not like that the duties of the office should be divided and does not recognize the Karar entered into by the petitioner with Girigowda, the petitioner will alone do the duties belonging to the office and he therefore prays that the order above referred to nominating Giri-gowda to do the duties of Potaili be reconsidered and the petitioner nominated instead as the petitioner is alone fully entitled to hold the office and is till now doing the duties thereof.

For which act of kindness the petitioner ever prays.

Bangalore
31st July 1896.

LR 102-95-7

(1)

28-8-96